

Serial No.: 10/726,013
Docket No. 03043-1
FUS.064

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Koji UTSUGI, et al.

Serial No.: 10/726,013 Group Art Unit: 1745
Filing Date: December 3, 2003 Examiner: Laura Weiner
For: **ELECTROLYTE FOR SECONDARY BATTERY AND SECONDARY
BATTERY USING SAME**

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

DECLARATION OF INVENTOR KOJI UTSUGI
UNDER 37 C.F.R. 1.131

Sir:

Comes now inventor Koji Utsugi (hereinafter, the "Declarant") and states and avers the following:

1. That he is an inventor of the **ELECTROLYTE FOR A SECONDARY BATTERY**, the **SECONDARY BATTERY**, and the **METHOD OF FORMING AN ELECTROLYTE FOR A SECONDARY BATTERY**, as disclosed and claimed in the present Application;

2. That he and his co-inventor of the invention in the present Application, **Mitsuhiko Mori**, reduced to practice the invention as disclosed and claimed in the present Application, in Japan, prior to August 26, 2003. Attached hereto as Exhibit 1 and incorporated by reference herein is a verified English Translation of Japanese Patent Application No. 2002-170228

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5. That, alternatively, Declarant states that he and his co-inventor of the invention in the present Application, Mitsuhiro Mori, conceived of the invention as disclosed and claimed in the present Application prior to August 26, 2003, and acted with due diligence from a date prior to August 26, 2003 until December 3, 2003, the date of filing of the present Application;

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application for any patent issued thereon.

Further Declarant sayeth naught.

October 19, 2007

Date

Koji Utsumi

Koji Utsumi, Declarant